

INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)


Applicant's or agent's file reference ---		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/ES 03/00148	International filing date (day/month/year) 01.04.2003	Priority date (day/month/year) 01.04.2002	
International Patent Classification (IPC) or both national classification and IPC A01K5/00			
Applicant GRUPO TATOMA, S.L. et al.			

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

 These annexes consist of a total of 8 sheets.

3. This report contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 29.10.2003	Date of completion of this report 08.07.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Lucchesi-Palli, C Telephone No. +49 89 2399-2093



**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/ES 03/00148**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-4 received on 12.05.2004 with letter of 07.05.2004

Claims, Numbers

1-3 received on 12.05.2004 with letter of 07.05.2004

Drawings, Sheets

1/3-3/3 received on 12.05.2004 with letter of 07.05.2004

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1 - 3
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1 - 3
Industrial applicability (IA)	Yes: Claims	1 - 3
	No: Claims	

2. Citations and explanations

see separate sheet

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ad section V:

Novelly:

Claims 1 to 3 meet the requirements of article 33(2) PCT:

D1, ES-A-2 068 12, the description, column 4, lines 29 to 63, discloses an animal feed chopper comprising a tank 1 with a round bottom, a mixing auger 4 provided with three blades 6 having a laminar section and a variable thickness as claimed in present claim 3 and rectangular inserts 11 of which at least one is placed at the centre of the tank. D1 does not disclose the provision of a curved insert of variable thickness provided with a bevelled edge.

Inventive step:

Claims 1 to 3 do not meet the requirements of article 33(3) PCT:

The problem of be solved by the present application is to prevent overloads in the bottom area of the tank.

As the man skilled in the art receives the teaching from D1 that an rectangular insert placed at the bottom helps to avoid accumulation of the product in the bottom area, the choice of an insert which is curved and adapted to the surface of the bottom as claimed in present claim 1 is considered as one of several constructional solutions which the man skilled in the art will envisage in order to improve the flow of material.

Claims 1 to 3 meet the requirements of article 33(4) PCT, the industrial applicability of the claimed tank being evident.

The claims do not meet the requirements of article 6 PCT:

The wording in clam 1, lines 10, 11 is not clear as no base or top face has been defined previously and it is not clear which base or top face is considered.

Claim 1 is in contradiction with the description of the present application, page 2, lines 26 to 29: to solve the posed problem a combined effect of insert and the specifically formed auger is disclosed whereas claim 1 is silent on the technical features of the auger.

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